

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In the Matter of:

FAISAL KHAN

Debtor

Chapter 13

Case No. 24-10065-KHK

**MOTION TO DISMISS WITH PREJUDICE,**  
**NOTICE OF MOTION TO DISMISS WITH PREJUDICE**  
**AND**  
**NOTICE OF SCHEDULED HEARING ON THIS MOTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case with prejudice to refiling. The cause for this motion is as follows:

**Pursuant to 11 U.S.C. §1307(c) and 11 U.S.C. §1307(c)(1) - Lack of Good Faith and Unreasonable Delay.**

- This is Debtor's second Chapter 13 case. His prior case #22-10879-KHK was dismissed September 9, 2022 for failure to file Plan or Schedules.
- In this case, Debtor did not disclose in his Schedules a financial arrangement with a factoring company whereby they have been advancing monies against his prospective personal injury award. Since this issue arose at his Section 341 Meeting of Creditors, Debtor has moved prospectively for approval of the financing, he has not disclosed the amounts received previously in his Schedules or Form 122C-1.
- Debtor's Schedule I/J show negative income of (-\$7,764.39/month)

**Pursuant to 11 U.S.C. §1307(c)(4) – Failure to Commence making Plan Payments.**

- Debtor has not made his first Plan payment that was due on February 14, 2024.

**Notice and Motion to Dismiss with Prejudice**

Faisal Khan, Case #24-10065-KHK

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1. Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before twenty-one days from the service of this notice. You must mail a copy to the persons listed below.

***Attend the hearing to be held on March 28, 2024 at 1:30 p.m., in Courtroom III on the 3<sup>rd</sup> floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.*** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman  
1414 Prince Street, Suite 202  
Alexandria, VA 22314

Clerk of the Court  
United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: February 29, 2024 \_\_\_\_\_

\_\_\_\_\_/s/ Thomas P. Gorman \_\_\_\_\_  
Thomas P. Gorman  
Chapter 13 Trustee  
1414 Prince Street, Suite 202  
Alexandria, VA 22314  
(703) 836-2226  
VSB 26421

**Notice and Motion to Dismiss with Prejudice**

Faisal Khan, Case #24-10065-KHK

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 29<sup>th</sup> day of February, 2024, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss with Prejudice, Notice of Motion and Notice of Hearing to the following parties.

Faisal Khan  
Chapter 13 Debtor  
9709 Georgetown Pike  
Great Falls, VA 22066

Ashvin Pandurangi  
Attorney for Debtor  
Vivona Pandurangi, PLC  
211 Park Ave.  
Falls Church, VA 22046

      /s/ Thomas P. Gorman        
Thomas P. Gorman